UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,547	02/17/2004	Michael P. Crider	418268006US	7461

45979   7590   03/03/2010
PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
03/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com
skempe@perkinscoie.com

	Application No.	Applicant(s)
Office Action Summary	10/780,547	CRIDER ET AL.
	Examiner	Art Unit	
	MAIKHANH NGUYEN	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 January 2010</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24 and 40-47</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-24 and 40-47</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date. _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the After Final filed 01/07/2010.

Claims 1-24 and 40-47 are currently pending. Claims 1, 10, 13, 22, and 24 are

independent Claims.

Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at the time the invention was
made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
not be negatived by the manner in which the invention was made.*

*This application currently names joint inventors. In considering patentability of the claims under 35
U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the
time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the
obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly
owned at the time a later invention was made in order for the examiner to consider the applicability of 35
U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

Claims 1-24 and 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Davia** (US 20020156815 A1) in view of **Brauer et al.** (US 20010014900 A1).

As to Claim 13:

Davia teaches a computer system *(data processing system; paragraph [0017])* for specifying alternate layouts of an element of a display description *(layout information defined in a separate XML, HTML, or Javascript file... The layout information file is merely concerned with the display characteristics of the screen; paragraph [0049])*, comprising:

    a storage device *(memory; paragraph [0018])* containing:

        a display description file *(layout information defined in a separate XML, HTML, or Javascript file; paragraph [0049])* having a definition of the element and condition and layout pairs for the element specified using a display description language, wherein layouts and conditions included in the display description file only specify how to display elements defined in the display description file *(The layout information is preferably an extensible Markup Language (XML) file, or other web file, that describes the pixel coordinates of each layer for the screen. The layout information also describes the initial visibility state of each layer, the fonts and colors, etc. For example, a classification image 1's pixel coordinates might be 10,20,200,100, and be visible. Classification text 1's pixel coordinates might be 400,400,200,300, have a 20 point font in blue, and be hidden.*

Classification audio 1's pixel location might be 100,400,100,50, and be visible;

paragraphs... The content information describes the media and text that the

screen needs. For example, Classification image 1's image is "button.gif".

Classification text 1 is defined as "This is some classification text for Image 1",

and Classification audio 1's audio file is class1.mp3; paragraphs [0060-0061]).

Davia teaches a display component that generates a display based on the display

description file *(dynamically generates content for the DynamicContent frame by*

including separately stored layout information, separately stored content information,

and separately stored logic information; paragraph [0059]).

Davia, however, does not specifically teach a display component that generates a display

based on the display description file by displaying the element in accordance with a

layout of a pair when the condition of the pair is satisfied.

Brauer teaches a display component that generates a display based on the display

description file by displaying the element in accordance with a layout of a pair when the

condition of the pair is satisfied *(checks whether or not the object detected in 141*

contains formatting features, which are directly (hard) assigned to the object... If the

answer is YES, a formatting element corresponding to the formatting template is created

at 144...Method 130 then proceeds to check whether a (further) formatting template is

assigned to the object to be converted at 146. ... the formatting element generated at 147

then being a grandparent (etc.) formatting element…the content data are arranged in the

XML-document separate from the format elements; paragraphs [0069-0071]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have separated

content data and formatting data an XML-document and facilitated modifications of the

style and/or the content of the XML-document. This greatly improves the utility of the

XML-document.

As to claim 14:

Davia does not explicitly teach the following additional limitations:

Brauer teaches the element has a class and the condition and layout pairs are specified in

a style for that class *(paragraphs [0061-0066] and [0082-0092]).*

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have

allowed a separation of content data and formatting data on the mark-up document,

which is highly desirable with regard to amending and/or editing the document.

As to Claim 15:

does not explicitly teach the following additional limitations:

Brauer teaches the condition and layout pairs are attributes of an element for that class *(paragraphs [0092-0093])*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Davia with Brauer because it would have allowed a separation of content data and formatting data on the mark-up document, which is highly desirable with regard to amending and/or editing the document.

As to Claim 16:

Davia does not explicitly teach the following additional limitations:

Brauer teaches the condition and layout pairs are attributes within the definition of the element *(paragraphs [0092-0093])*.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Davia with Brauer because it would have allowed a separation of content data and formatting data on the mark-up document, which is highly desirable with regard to amending and/or editing the document.

As to Claim 17:

Davia does not explicitly teach the following additional limitations:

Brauer teaches the element has child elements and the layouts specify the layout of the

child elements *(paragraphs [0030] and [0063])*.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have

allowed a separation of content data and formatting data on the mark-up document,

which is highly desirable with regard to amending and/or editing the document.

As to Claim 18:

Davia teaches a layout is from, among other things, a group consisting of vertical layout

and horizontal layout *(paragraph [0060])*.

As to Claim 19:

Davia does not explicitly teach the following additional limitations:

Brauer teaches a layout specifies a table in which the child elements are to be displayed

(paragraphs [0030] and [0063]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have

allowed a separation of content data and formatting data on the mark-up document,

which is highly desirable with regard to amending and/or editing the document.

As to Claim 20:

Davia does not explicitly teach the following additional limitations:

Brauer teaches the layout that specifies a table further specifies a cell within the table

for a child element *(paragraphs [0030] and [0063]).*

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have

allowed a separation of content data and formatting data on the mark-up document,

which is highly desirable with regard to amending and/or editing the document.

As to Claim 21:

Davia does not explicitly teach the following additional limitations:

Brauer teaches the layout that specifies a table further specifies that a cell for a child

element is to be automatically selected *(paragraphs [0063-0065]).*

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have

allowed a separation of content data and formatting data on the mark-up document,

which is highly desirable with regard to amending and/or editing the document.

As to Claim 23:

Davia does not explicitly teach the following additional limitations:

Brauer teaches each child element is only defined once within the element *(paragraphs*

[0063-0065]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have

allowed a separation of content data and formatting data on the mark-up document,

which is highly desirable with regard to amending and/or editing the document.

As to Claim 24:

Davia does not explicitly teach the following additional limitations:

Brauer teaches a layout specifies the layout of the child elements *(paragraphs [0030]*

and [0063]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have

allowed a separation of content data and formatting data on the mark-up document,

which is highly desirable with regard to amending and/or editing the document.

As to Claim 22:

The rejection of Claim 13 above is incorporated herein in full. Additionally, Davia

teaches the use of a processor *(processor; paragraph [0018])*.

However, Davia does not explicitly teach the following additional limitations:

Brauer teaches the element has child elements and the layouts specify the layout of the

child elements, a layout specifies a table in which the child elements are to be

displayed, and the layout that specifies a table further specifies a cell within the table

for a child element and another cell for another child element is to be automatically

selected *(paragraphs [0030-0031 and [0063] and claim 4)*.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have separated

content data and formatting data an XML-document and facilitated modifications of the

style and/or the content of the XML-document. This greatly improves the utility of the

XML-document.

As to Claim 40:

The rejection of Claim 13 above is incorporated herein in full. Additionally, Davia

teaches the use of a computer-readable storage medium *(computer-readable medium…*

ROMs… EEPROMs … floppy disks; paragraphs [0066]); a definition of an element

(layout information defined in a separate XML, HTML, or Javascript file; paragraph

[0049]); a first condition and a first layout associated with the element; and a second

condition and a second layout associated with the element *(The layout information is*

preferably an extensible Markup Language (XML) file, or other web file, that describes

the pixel coordinates of each layer for the screen. The layout information also describes

the initial visibility state of each layer, the fonts and colors, etc. For example, a

classification image 1's pixel coordinates might be 10,20,200,100, and be visible.

Classification text 1's pixel coordinates might be 400,400,200,300, have a 20 point font

in blue, and be hidden. Classification audio 1's pixel location might be 100, 400, 100,

50, and be visible; paragraphs… The content information describes the media and text

that the screen needs. For example, Classification image 1's image is "button.gif".

Classification text 1 is defined as "This is some classification text for Image 1", and

Classification audio 1's audio file is class1.mp3; paragraphs [0060-0061]).

However, Davia does not explicitly teach the following additional limitations:

Brauer teaches the element is laid out in accordance with the first layout when the first

condition is satisfied and with the second layout when the second condition is satisfied

(checks whether or not the object detected in 141 contains formatting features, which are

directly (hard) assigned to the object... If the answer is YES, a formatting element

corresponding to the formatting template is created at 144...Method 130 then proceeds to

check whether a (further) formatting template is assigned to the object to be converted at

146. ... the formatting element generated at 147 then being a grandparent (etc.)

formatting element...the content data are arranged in the XML-document separate from

the format elements; paragraphs [0069-0071]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have separated

content data and formatting data an XML-document and facilitated modifications of the

style and/or the content of the XML-document. This greatly improves the utility of the

XML-document.

As to Claim 41:

Davia does not explicitly teach the following additional limitations:

Brauer teaches teaches the conditions and layouts are defined in a style associated with

the element *(paragraphs [0061-0066] and [0082-0092]).*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Davia with Brauer because it would have allowed a separation of content data and formatting data on the mark-up document, which is highly desirable with regard to amending and/or editing the document.

As to Claim 42:

Davia does not explicitly teach the following additional limitations:

Brauer teaches the style is associated with the element based on a class *(paragraphs [0082-0092]).*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Davia with Brauer because it would have allowed a separation of content data and formatting data on the mark-up document, which is highly desirable with regard to amending and/or editing the document.

As to Claim 43:

Davia does not explicitly teach the following additional limitations:

Brauer teaches the conditions and layouts are defined as attributes of the element *(paragraphs [0092-0093]).*

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have

allowed a separation of content data and formatting data on the mark-up document,

which is highly desirable with regard to amending and/or editing the document.

As to Claim 44:

Refer to the discussion of Claim 17 above for rejection.

As to Claim 45:

Davia teaches the data structure is specified using a display description language

(paragraphs [0060-0062]).

As to Claim 46:

Davia teaches the data structure is specified using XML *(paragraphs [0049] and*

[0060]).

As to Claim 47:

Davia teaches the data structure is specified using HTML *(paragraphs [0011] and [0025-*

0043]).

<u>As to Claim 10:</u>

Refer to the discussions of Claims 13 and 40 above.

However, Davia does not explicitly teach the following additional limitations:

Brauer teaches the layouts specify the layout of the child elements, and wherein a layout specifies a table in which the child elements are to be displayed and further specifies a cell within the table for a child element and another cell for another child element is to be automatically selected *(paragraphs [0030-0031 and [0063] and claim 4).*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Davia with Brauer because it would have separated content data and formatting data an XML-document and facilitated modifications of the style and/or the content of the XML-document. This greatly improves the utility of the XML-document.

As to Claim 1:

Refer to the discussions of Claims 13 and 40 above. Additionally, Davia teaches: parsing the display description file to identify the definition of the element, the first condition and the first layout, and the second condition and the second layout; retrieving a parameter for controlling the layout of the element *(paragraphs [0059-0062]).*

However, Davia does not explicitly teach the following additional limitations:

Brauer teaches determining whether the retrieved parameter indicates that the first

condition is satisfied or the second condition is satisfied *(paragraphs [0069-0073])*.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Davia with Brauer because it would have separated

content data and formatting data an XML-document and facilitated modifications of the

style and/or the content of the XML-document. This greatly improves the utility of the

XML-document.

As to Claims 2-9 and 11-12:

Refer to the discussion of Claims 14-21 and 46-47 above, respectively, for rejections.

Response to Arguments

5.   Applicant's arguments filed 01/07/2010 have been fully considered but are moot in view

of the new ground(s) rejection.

Conclusion

6.   The prior art made of record, listed on PTO 892 provided to Applicant is considered
        to have relevancy to the claimed invention. Applicant should review each identified
        reference carefully before responding to this office action to properly advance the
        case in light of the prior art.

Contact information

7.   Any inquiry concerning this communication or earlier communications from the
        examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-
        4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30
        pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's
        supervisor, Doug Hutton can be reached at (571) 272-4137.

        The fax phone number for the organization where this application or proceeding is
        assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent
        Application Information Retrieval (PAIR) system. Status information for published
        applications may be obtained from either Private PAIR or Public PAIR. Status
        information for unpublished applications is available through Private PAIR only. For
        more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MaiKhanh Nguyen/

Examiner, Art Unit 2176

/Laurie Ries/
Primary Examiner
Technology Center 2100
26 February 2010